

1 **TITLE II—HIGHWAY SAFETY**

2 **SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.**

3 (a) IN GENERAL.—The following sums are author-
4 ized to be appropriated out of the Highway Trust Fund
5 (other than the Mass Transit Account):

6 (1) HIGHWAY SAFETY PROGRAMS.—For car-
7 rying out section 402 of title 23, United States
8 Code, \$163,680,000 for fiscal year 2005,
9 \$217,000,000 for fiscal year 2006, \$220,000,000 for
10 fiscal year 2007, \$225,000,000 for fiscal year 2008,
11 and \$235,000,000 for fiscal year 2009.

12 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
13 OPMENT.—For carrying out section 403 of title 23,
14 United States Code, \$71,424,000 for fiscal year
15 2005, \$110,000,000 for fiscal year 2006,
16 \$107,750,000 for fiscal year 2007, \$107,750,000 for
17 fiscal year 2008, and \$105,500,000 for fiscal year
18 2009.

19 (3) OCCUPANT PROTECTION INCENTIVE
20 GRANTS.—For carrying out section 405 of title 23,
21 United States Code, \$19,840,000 for fiscal year
22 2005, \$25,000,000 for fiscal year 2006,
23 \$25,000,000 for fiscal year 2007, \$25,000,000 for



1 fiscal year 2008, and \$25,000,000 for fiscal year
2 2009.

3 (4) SAFETY BELT PERFORMANCE GRANTS.—
4 For carrying out section 406 of title 23, United
5 States Code, \$124,500,000 for fiscal year 2006,
6 \$124,500,000 for fiscal year 2007, \$124,500,000 for
7 fiscal year 2008, and \$124,500,000 for fiscal year
8 2009.

9 (5) STATE TRAFFIC SAFETY INFORMATION SYS-
10 TEM IMPROVEMENTS.—For carrying out section 408
11 of title 23, United States Code, \$34,500,000 for fis-
12 cal year 2006, \$34,500,000 for fiscal year 2007,
13 \$34,500,000 for fiscal year 2008, and \$34,500,000
14 for fiscal year 2009.

15 (6) ALCOHOL-IMPAIRED DRIVING COUNTER-
16 MEASURES INCENTIVE GRANT PROGRAM.—For car-
17 rying out section 410 of title 23, United States
18 Code, \$39,680,000 for fiscal year 2005,
19 \$120,000,000 for fiscal year 2006, \$125,000,000 for
20 fiscal year 2007, \$131,000,000 for fiscal year 2008,
21 and \$139,000,000 for fiscal year 2009.

22 (7) NATIONAL DRIVER REGISTER.—For the Na-
23 tional Highway Traffic Safety Administration to
24 carry out chapter 303 of title 49, United States
25 Code, \$3,968,000 for fiscal year 2005, \$4,000,000



1 for fiscal year 2006, \$4,000,000 for fiscal year
2 2007, \$4,000,000 for fiscal year 2008, and
3 \$4,000,000 for fiscal year 2009.

4 (8) HIGH VISIBILITY ENFORCEMENT PRO-
5 GRAM.—For carrying out section 2009 of this title
6 \$29,000,000 for fiscal year 2006, \$29,000,000 for
7 fiscal year 2007, \$29,000,000 for fiscal year 2008,
8 and \$29,000,000 for fiscal year 2009.

9 (9) MOTORCYCLIST SAFETY.—For carrying out
10 section 2010 of this title \$6,000,000 for fiscal year
11 2006, \$6,000,000 for fiscal year 2007, \$6,000,000
12 for fiscal year 2008, and \$7,000,000 for fiscal year
13 2009.

14 (10) CHILD SAFETY AND CHILD BOOSTER SEAT
15 SAFETY INCENTIVE GRANTS.—For carrying out sec-
16 tion 2011 of this title \$6,000,000 for fiscal year
17 2006, \$6,000,000 for fiscal year 2007, \$6,000,000
18 for fiscal year 2008, and \$7,000,000 for fiscal year
19 2009.

20 (11) ADMINISTRATIVE EXPENSES.—For admin-
21 istrative and related operating expenses of the Na-
22 tional Highway Traffic Safety Administration in car-
23 rying out chapter 4 of title 23, United States Code,
24 and this title \$17,500,000 for fiscal year 2006,
25 \$17,750,000 for fiscal year 2007, \$18,250,000 for



1 fiscal year 2008, and \$18,500,000 for fiscal year
2 2009.

3 (b) PROHIBITION ON OTHER USES.—Except as oth-
4 erwise provided in chapter 4 of title 23, United States
5 Code, and this title, (including the amendments made by
6 this title), the amounts made available from the Highway
7 Trust Fund (other than the Mass Transit Account) for
8 a program under such chapter shall only be used to carry
9 out such program and may not be used by States or local
10 governments for construction purposes.

11 (c) APPLICABILITY OF TITLE 23.—Except as other-
12 wise provided in chapter 4 of title 23, United States Code,
13 and this title, amounts made available under subsection
14 (a) for each of fiscal years 2005 through 2009 shall be
15 available for obligation in the same manner as if such
16 funds were apportioned under chapter 1 of title 23, United
17 States Code.

18 (d) TRANSFERS.—In each fiscal year, the Secretary
19 may transfer any amounts remaining available under
20 paragraph (3), (5), or (6) of subsection (a) to the amounts
21 made available under any other of such paragraphs in
22 order to ensure, to the maximum extent possible, that each
23 State receives the maximum incentive funding for which
24 the State is eligible under sections 405, 408, and 410 of
25 title 23, United States Code.

1 (e) CLARIFICATIONS.—The amounts made available
2 by each of subsections (a)(1) through (a)(7) shall be less
3 any amounts made available from the Highway Trust
4 Fund (other than the Mass Transit Account) by laws en-
5 acted before the date of enactment of this Act for the re-
6 spective programs referred to in each of such subsections
7 for fiscal year 2005. Amounts authorized by such sub-
8 sections are post-rescission and shall not be subject to any
9 rescission after the date of enactment of this Act.

10 **SEC. 2002. HIGHWAY SAFETY PROGRAMS.**

11 (a) PROGRAMS TO BE INCLUDED.—Section 402(a) of
12 title 23, United States Code, is amended—

13 (1) in clause (2) by striking “and to increase
14 public awareness of the benefit of motor vehicles
15 equipped with airbags”;

16 (2) by redesignating clause (6) as clause (7);

17 (3) by inserting after clause (5) the following:

18 “(6) to reduce accidents resulting from unsafe driv-
19 ing behavior (including aggressive or fatigued driv-
20 ing and distracted driving arising from the use of
21 electronic devices in vehicles)”;

22 (4) in the 10th sentence by inserting “aggres-
23 sive driving, fatigued driving, distracted driving,”
24 after “school bus accidents,”



1 (b) ADMINISTRATION OF STATE PROGRAMS.—Sec-
2 tion 402(b)(1) of such title is amended—

3 (1) in subparagraph (C) by striking “and” at
4 the end;

5 (2) by redesignating clause (6) as clause (7);

6 (3) in subparagraph (D) by striking “State.”
7 and inserting “State; and”; and

8 (4) by adding at the end the following:

9 “(E) provide satisfactory assurances that
10 the State will implement activities in support of
11 national highway safety goals to reduce motor
12 vehicle related fatalities that also reflect the pri-
13 mary data-related crash factors within a State
14 as identified by the State highway safety plan-
15 ning process, including—

16 “(i) national law enforcement mobili-
17 zations;

18 “(ii) sustained enforcement of statutes
19 addressing impaired driving, occupant pro-
20 tection, and driving in excess of posted
21 speed limits;

22 “(iii) an annual statewide safety belt
23 use survey in accordance with criteria es-
24 tablished by the Secretary for the measure-
25 ment of State safety belt use rates to en-



1 sure that the measurements are accurate
2 and representative; and

3 “(iv) development of statewide data
4 systems to provide timely and effective
5 data analysis to support allocation of high-
6 way safety resources.”.

7 (c) DEDUCTION DELETION.—Section 402(c) of such
8 title is amended—

9 (1) by striking the second sentence; and

10 (2) in the sixth sentence by striking “three-
11 fourths of 1 percent” and inserting “2 percent”.

12 (d) LAW ENFORCEMENT AND CONSOLIDATION OF
13 APPLICATIONS.—Section 402 of such title is further
14 amended by adding at the end the following:

15 “(l) LAW ENFORCEMENT VEHICULAR PURSUIT
16 TRAINING.—A State shall actively encourage all relevant
17 law enforcement agencies in such State to follow the
18 guidelines established for vehicular pursuits issued by the
19 International Association of Chiefs of Police that are in
20 effect on the date of enactment of this subsection or as
21 revised and in effect after such date as determined by the
22 Secretary.

23 “(m) CONSOLIDATION OF GRANT APPLICATIONS.—
24 The Secretary shall establish an approval process by which
25 a State may apply for all grants under this chapter



1 through a single application process with one annual dead-
2 line. The Bureau of Indian Affairs shall establish a similar
3 simplified process for applications for grants from Indian
4 tribes under this chapter.”.

5 (e) CONFORMING REPEAL FOR ADMINISTRATIVE EX-
6 PENSES.—Section 405(d) of such title is repealed.

7 **SEC. 2003. HIGHWAY SAFETY RESEARCH AND OUTREACH**
8 **PROGRAMS.**

9 (a) REVISED AUTHORITY AND REQUIREMENTS.—
10 Section 403(a) of title 23, United States Code, is amended
11 to read as follows:

12 “(a) AUTHORITY OF THE SECRETARY.—The Sec-
13 retary is authorized to use funds appropriated to carry
14 out this section to—

15 “(1) conduct research on all phases of highway
16 safety and traffic conditions, including accident cau-
17 sation, highway or driver characteristics, commu-
18 nications, and emergency care;

19 “(2) conduct ongoing research into driver be-
20 havior and its effect on traffic safety;

21 “(3) conduct research on, launch initiatives to
22 counter, and conduct demonstration projects on fa-
23 tigated driving by drivers of motor vehicles and dis-
24 tracted driving in such vehicles, including the effect



1 that the use of electronic devices and other factors
2 deemed relevant by the Secretary have on driving;

3 “(4) conduct training or education programs in
4 cooperation with other Federal departments and
5 agencies, States, private sector persons, highway
6 safety personnel, and law enforcement personnel;

7 “(5) conduct research on, and evaluate the ef-
8 fectiveness of, traffic safety countermeasures, includ-
9 ing seat belts and impaired driving initiatives;

10 “(6) conduct research on, evaluate, and develop
11 best practices related to driver education programs
12 (including driver education curricula, instructor
13 training and certification, program administration
14 and delivery mechanisms) and make recommenda-
15 tions for harmonizing driver education and multi-
16 stage graduated licensing systems;

17 “(7) conduct research, training, and education
18 programs related to older drivers;

19 “(8) conduct demonstration projects; and

20 “(9) conduct research, training, and programs
21 relating to motorcycle safety, including impaired
22 driving.”

23 (b) INTERNATIONAL COOPERATION.—Section 403 of
24 such title is amended by adding at the end the following:



1 “(g) INTERNATIONAL COOPERATION.—The Adminis-
2 trator of the National Highway Traffic Safety Administra-
3 tion may participate and cooperate in international activi-
4 ties to enhance highway safety.”.

5 (c) ON-SCENE MOTOR VEHICLE COLLISION CAUSA-
6 TION.—

7 (1) STUDY.—The Secretary shall conduct under
8 section 403 of title 23, United States Code, a na-
9 tionally representative study to collect on-scene
10 motor vehicle collision data and to determine crash
11 causation. The Secretary shall enter into a contract
12 with the National Academy of Sciences to conduct a
13 review of the research, design, methodology, and im-
14 plementation of the study.

15 (2) CONSULTATION.—The study under this
16 subsection may be conducted in consultation with
17 other Federal departments and agencies with rel-
18 evant expertise.

19 (3) FINAL REPORT.—Not later than 2 years
20 after the date of enactment of this Act, the Sec-
21 retary shall submit a report on the results of the
22 study conducted under this subsection to the Com-
23 mittee on Commerce, Science, and Transportation of
24 the Senate and the Committee on Transportation
25 and Infrastructure of the House of Representatives.



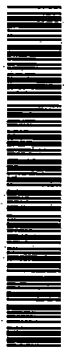
1 (d) RESEARCH ON DISTRACTED, INATTENTIVE, AND
2 FATIGUED DRIVERS.—In conducting research under sec-
3 tion 403(a)(3) of title 23, United States Code, the Sec-
4 retary shall carry out not less than 2 demonstration
5 projects to evaluate new and innovative means of com-
6 bating traffic system problems caused by distracted, inat-
7 tentive, or fatigued drivers. The demonstration projects
8 shall be in addition to any other research carried out
9 under such section.

10 (e) PEDESTRIAN SAFETY.—

11 (1) IN GENERAL.—The Secretary shall—

12 (A) produce a comprehensive report on pe-
13 destrian safety that builds on the current level
14 of knowledge of pedestrian safety counter-
15 measures by identifying the most effective ad-
16 vanced technology and intelligent transportation
17 systems, such as automated pedestrian detec-
18 tion and warning systems (infrastructure-based
19 and vehicle-based), road design, and vehicle
20 structural design that could potentially mitigate
21 the crash forces on pedestrians in the event of
22 a crash; and

23 (B) include in the report recommendations
24 on how new technological developments could be
25 incorporated into educational and enforcement



1 efforts and how they could be integrated into
2 national design guidelines developed by the
3 American Association of State Highway and
4 Transportation Officials.

5 (2) DUE DATE.—The Secretary shall complete
6 the report under this subsection not less than 2
7 years after the date of enactment of this Act and
8 submit a copy of the report to the Committee on
9 Commerce, Science, and Transportation of the Sen-
10 ate and the Committee on Transportation and Infra-
11 structure of the House of Representatives.

12 (f) REFUSAL OF INTOXICATION TESTING.—

13 (1) STUDY.—The Secretary shall carry out
14 under section 403 of title 23, United States Code,
15 a study of the frequency with which persons arrested
16 for the offense of operating a motor vehicle while
17 under the influence of alcohol and persons arrested
18 for the offense of operating a motor vehicle while in-
19 toxicated refuse to take a test to determine blood al-
20 cohol concentration levels and the effect such refus-
21 als have on the ability of States to prosecute such
22 persons for those offenses.

23 (2) CONSULTATION.—In carrying out the study
24 under this subsection, the Secretary shall consult
25 with the Governors of the States, the States' Attor-



1 neys General, and the United States Sentencing
2 Commission.

3 (3) REPORT.—

4 (A) REQUIREMENT FOR REPORT.—Not
5 later than 2 years after the date of the enact-
6 ment of this Act, the Secretary shall submit a
7 report on the results of the study to the Com-
8 mittee on Commerce, Science, and Transpor-
9 tation of the Senate and the Committee on
10 Transportation and Infrastructure of the House
11 of Representatives.

12 (B) CONTENT.—The report shall include
13 any recommendation for legislation, including
14 any recommended model State legislation, and
15 any other recommendations that the Secretary
16 considers appropriate for implementing a pro-
17 gram designed to decrease the occurrence of re-
18 fusals by arrested persons to submit to a test
19 to determine blood alcohol concentration levels.

20 (g) IMPAIRED MOTORCYCLE DRIVING.—

21 (1) STUDYING.—In conducting research under
22 section 403(a)(9) of title 23, United States Code,
23 the Secretary shall conduct a study on educational,
24 public information and other activities targeted at
25 reducing motorcycle accidents and resulting fatalities



1 and injuries, where the operator of the motorcycle is
2 impaired.

3 (2) REPORT.—Not later than 2 years after the
4 date of enactment of this Act, the Secretary shall
5 submit to the Committee on Transportation and In-
6 frastructure of the House of Representatives and the
7 Committee on Commerce, Science, and Transpor-
8 tation of the Senate a report on the results of the
9 study, including the data collected and statistics
10 compiled and recommendations to reduce the num-
11 ber of motorcycle accidents described in paragraph
12 (1) and the resulting fatalities and injuries.

13 (h) REDUCING IMPAIRED DRIVING RECIDIVISM.—

14 (1) STUDY.—The Secretary shall conduct a
15 study on reducing the incidence of alcohol-related
16 motor vehicle crashes and fatalities through research
17 of advanced vehicle-based alcohol detection systems,
18 including an assessment of the practicability and
19 cost effectiveness of such systems.

20 (2) REPORT.—Not later than 2 years after the
21 date of enactment of this Act, the Secretary shall
22 transmit to the Committee on Transportation and
23 Infrastructure of the House of Representatives and
24 the Committee on Commerce, Science, and Trans-



1 portation of the Senate a report on the results of the
2 study.

3 **SEC. 2004. OCCUPANT PROTECTION INCENTIVE GRANTS.**

4 (a) GENERAL AUTHORITY.—Section 405(a) of title
5 23, United States Code, is amended—

6 (1) in paragraph (2) by striking “Transportation
7 Equity Act for the 21st Century” and inserting
8 “SAFETEA-LU”;

9 (2) in paragraph (3) by striking “1997” and inserting
10 “2003”; and

11 (3) in each of paragraphs (4)(A), (4)(B), and
12 (4)(C) by inserting after “years” the following: “beginning
13 after September 30, 2003,”.

14 (c) GRANT AMOUNTS.—Section 405(c) of such title
15 is amended—

16 (1) by striking “25 percent” and inserting “100
17 percent”; and

18 (2) by striking “1997” and inserting “2003”.

19 **SEC. 2005. GRANTS FOR PRIMARY SAFETY BELT USE LAWS.**

20 (a) IN GENERAL.—Section 406 of title 23, United
21 States Code, is amended to read as follows:

22 **“§ 406. Safety belt performance grants**

23 **“(a) IN GENERAL.—The Secretary shall make grants**
24 **to States in accordance with the provisions of this section**



1 to encourage the enactment and enforcement of laws re-
2 quiring the use of safety belts in passenger motor vehicles.

3 “(b) GRANTS FOR ENACTING PRIMARY SAFETY
4 BELT USE LAWS.—

5 “(1) IN GENERAL.—The Secretary shall make a
6 single grant to each State that either—

7 “(A) enacts for the first time after Decem-
8 ber 31, 2002, and has in effect and is enforcing
9 a conforming primary safety belt use law for all
10 passenger motor vehicles; or

11 “(B) in the case of a State that does not
12 have such a primary safety belt use law, has
13 after December 31, 2005, a State safety belt
14 use rate of 85 percent or more for each of the
15 2 calendar years immediately preceding the fis-
16 cal year of a grant, as measured under criteria
17 determined by the Secretary.

18 “(2) AMOUNT.—The amount of a grant avail-
19 able to a State in fiscal year 2006 or in a subse-
20 quent fiscal year under paragraph (1) shall equal
21 475 percent of the amount apportioned to the State
22 under section 402(c) for fiscal year 2003.

23 “(3) JULY 1 CUT-OFF.—For the purpose of de-
24 termining the eligibility of a State for a grant under



1 paragraph (1)(A), a conforming primary safety belt
2 use law enacted after June 30th of any year shall—

3 “(A) not be considered to have been en-
4 acted in the Federal fiscal year in which that
5 June 30th falls; but

6 “(B) be considered as if it were enacted
7 after October 1 of the next Federal fiscal year.

8 “(4) SHORTFALL.—If the total amount of
9 grants provided for by this subsection for a fiscal
10 year exceeds the amount of funds available for such
11 grants for that fiscal year, the Secretary shall make
12 grants under this subsection to States in the order
13 in which—

14 “(A) the conforming primary safety belt
15 use law came into effect; or

16 “(B) the State’s safety belt use rate was
17 85 percent or more for 2 consecutive calendar
18 years (as measured under by criteria deter-
19 mined by the Secretary), whichever first occurs.

20 “(5) CATCH-UP GRANTS.—The Secretary shall
21 make a grant to any State eligible for a grant under
22 this subsection that did not receive a grant for a fis-
23 cal year because of the application of paragraph (4),
24 in the next fiscal year if the State’s conforming pri-
25 mary safety belt use law remains in effect or its



1 safety belt use rate is 85 percent or more for the 2
2 consecutive calendar years preceding such next fiscal
3 year (subject to the condition in paragraph (4)).

4 “(c) GRANTS FOR PRE-2003 LAWS.—

5 “(1) IN GENERAL.—To the extent that amounts
6 made available for grants under this section for any
7 of fiscal years 2006 through 2009 exceed the total
8 amount of grants to be awarded under subsection
9 (b) for the fiscal year, including amounts to be
10 awarded for catch-up grants under subsection (b)(5),
11 the Secretary shall make a single grant to each
12 State that enacted, has in effect, and is enforcing a
13 conforming primary safety belt use law for all pas-
14 senger motor vehicles that was in effect before Janu-
15 ary 1, 2003.

16 “(2) AMOUNT; INSTALLMENTS.—The amount of
17 a grant available to a State under this subsection
18 shall be equal to 200 percent of the amount of funds
19 apportioned to the State under section 402(c) for
20 fiscal year 2003. The Secretary may award the
21 grant in annual installments.

22 “(d) ALLOCATION OF UNALLOCATED FUNDS.—

23 “(1) ADDITIONAL GRANTS.—The Secretary
24 shall make additional grants under this section of
25 any amounts made available for grants under this



1 section that, on July 1, 2009, have not been allo-
2 cated to States under this section..

3 “(2) ALLOCATION.—The additional grants
4 made under this subsection shall be allocated among
5 all States that, as of that date, have enacted, have
6 in effect, and are enforcing conforming primary
7 safety belt laws for all passenger motor vehicles. The
8 allocations shall be made in accordance with the for-
9 mula for apportioning funds among the States under
10 section 402(c).

11 “(e) USE OF GRANT FUNDS.—

12 “(1) IN GENERAL.—Subject to paragraph (2), a
13 State may use a grant under this section for any
14 safety purpose under this title or for any project
15 that corrects or improves a hazardous roadway loca-
16 tion or feature or proactively addresses highway
17 safety problems, including—

18 “(A) intersection improvements;

19 “(B) pavement and shoulder widening;

20 “(C) installation of rumble strips and
21 other warning devices;

22 “(D) improving skid resistance;

23 “(E) improvements for pedestrian or bicy-
24 clist safety;

25 “(F) railway-highway crossing safety;



1 “(G) traffic calming;

2 “(H) the elimination of roadside obstacles;

3 “(I) improving highway signage and pave-
4 ment marking;

5 “(J) installing priority control systems for
6 emergency vehicles at signalized intersections;

7 “(K) installing traffic control or warning
8 devices at locations with high accident potential;

9 “(L) safety-conscious planning; and

10 “(M) improving crash data collection and
11 analysis.

12 “(2) SAFETY ACTIVITY REQUIREMENT.—Not-
13 withstanding paragraph (1), the Secretary shall en-
14 sure that at least \$1,000,000 of amounts received by
15 States under this section are obligated for safety ac-
16 tivities under this chapter.

17 “(3) SUPPORT ACTIVITY.—The Secretary or his
18 designee may engage in activities with States and
19 State legislators to consider proposals related to
20 safety belt use laws.

21 “(f) CARRY-FORWARD OF EXCESS FUNDS.—If the
22 amount available for grants under this section for any fis-
23 cal year exceeds the sum of the grants made under this
24 section for that fiscal year, the excess amount and
25 obligational authority shall be carried forward and made



1 available for grants under this section in the succeeding
2 fiscal year.

3 “(g) FEDERAL SHARE.—The Federal share payable
4 for grants under this section shall be 100 percent.

5 “(h) PASSENGER MOTOR VEHICLE DEFINED.—In
6 this section, the term ‘passenger motor vehicle’ means—

7 “(1) a passenger car;

8 “(2) a pickup truck; and

9 “(3) a van, minivan, or sport utility vehicle with
10 a gross vehicle weight rating of less than 10,000
11 pounds.”.

12 (b) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 4 of such title is amended by striking the item relating
14 to section 406 and inserting the following:

“406. Safety belt performance grants.”.

15 **SEC. 2006. STATE TRAFFIC SAFETY INFORMATION SYSTEM**
16 **IMPROVEMENTS.**

17 (a) IN GENERAL.—Section 408 of title 23, United
18 States Code, is amended to read as follows:

19 **“§ 408. State traffic safety information system im-**
20 **provements**

21 “(a) GRANT AUTHORITY.—Subject to the require-
22 ments of this section, the Secretary shall make grants to
23 eligible States to support the development and implemen-
24 tation of effective programs by such States to—



1 “(1) improve the timeliness, accuracy, complete-
2 ness, uniformity, integration, and accessibility of the
3 safety data of the State that is needed to identify
4 priorities for national, State, and local highway and
5 traffic safety programs;

6 “(2) evaluate the effectiveness of efforts to
7 make such improvements;

8 “(3) link the State data systems, including traf-
9 fic records, with other data systems within the
10 State, such as systems that contain medical, road-
11 way, and economic data; and

12 “(4) improve the compatibility and interoper-
13 ability of the data systems of the State with national
14 data systems and data systems of other States and
15 enhance the ability of the Secretary to observe and
16 analyze national trends in crash occurrences, rates,
17 outcomes, and circumstances.

18 “(b) FIRST-YEAR GRANTS.—To be eligible for a first-
19 year grant under this section in a fiscal year, a State shall
20 demonstrate to the satisfaction of the Secretary that the
21 State has—

22 “(1) established a highway safety data and traf-
23 fic records coordinating committee with a multidisci-
24 plinary membership that includes, among others,
25 managers, collectors, and users of traffic records



1 and public health and injury control data systems;
2 and

3 “(2) developed a multiyear highway safety data
4 and traffic records system strategic plan—

5 “(A) that addresses existing deficiencies in
6 the State’s highway safety data and traffic
7 records system;

8 “(B) that is approved by the highway safe-
9 ty data and traffic records coordinating com-
10 mittee;

11 “(C) that specifies how existing defi-
12 ciencies in the State’s highway safety data and
13 traffic records system were identified;

14 “(D) that prioritizes, on the basis of the
15 identified highway safety data and traffic
16 records system deficiencies of the State, the
17 highway safety data and traffic records system
18 needs and goals of the State, including the ac-
19 tivities under subsection (a);

20 “(E) that identifies performance-based
21 measures by which progress toward those goals
22 will be determined; and

23 “(F) that specifies how the grant funds
24 and any other funds of the State are to be used



1 to address needs and goals identified in the
2 multiyear plan.

3 “(c) SUCCESSIVE YEAR GRANTS.—A State shall be
4 eligible for a grant under this subsection in a fiscal year
5 succeeding the first fiscal year in which the State receives
6 a grant under subsection (b) if the State—

7 “(1) certifies to the Secretary that an assess-
8 ment or audit of the State’s highway safety data and
9 traffic records system has been conducted or up-
10 dated within the preceding 5 years;

11 “(2) certifies to the Secretary that its highway
12 safety data and traffic records coordinating com-
13 mittee continues to operate and supports the
14 multiyear plan;

15 “(3) specifies how the grant funds and any
16 other funds of the State are to be used to address
17 needs and goals identified in the multiyear plan;

18 “(4) demonstrates to the Secretary measurable
19 progress toward achieving the goals and objectives
20 identified in the multiyear plan; and

21 “(5) submits to the Secretary a current report
22 on the progress in implementing the multiyear plan.

23 “(d) GRANT AMOUNT.—Subject to subsection (e)(3),
24 the amount of a year grant made to a State for a fiscal
25 year under this section shall equal the higher of—



1 “(1) the amount determined by multiplying—

2 “(A) the amount appropriated to carry out
3 this section for such fiscal year, by

4 “(B) the ratio that the funds apportioned
5 to the State under section 402 for fiscal year
6 2003 bears to the funds apportioned to all
7 States under such section for fiscal year 2003;
8 or

9 “(2)(A) \$300,000 in the case of the first fiscal
10 year a grant is made to a State under this section
11 after the date of enactment of this subparagraph; or

12 “(B) \$500,000 in the case of a succeeding fiscal
13 year a grant is made to the State under this section
14 after such date of enactment.

15 “(e) ADDITIONAL REQUIREMENTS AND LIMITA-
16 TIONS.—

17 “(1) MODEL DATA ELEMENTS.—The Secretary,
18 in consultation with States and other appropriate
19 parties, shall determine the model data elements
20 that are useful for the observation and analysis of
21 State and national trends in occurrences, rates, out-
22 comes, and circumstances of motor vehicle traffic ac-
23 cidents. In order to be eligible for a grant under this
24 section, a State shall submit to the Secretary a cer-
25 tification that the State has adopted and uses such



1 model data elements, or a certification that the
2 State will use grant funds provided under this sec-
3 tion toward adopting and using the maximum num-
4 ber of such model data elements as soon as prac-
5 ticable.

6 “(2) DATA ON USE OF ELECTRONIC DEVICES.—
7 The model data elements required under paragraph
8 (1) shall include data elements, as determined ap-
9 propriate by the Secretary, in consultation with the
10 States and appropriate elements of the law enforce-
11 ment community, on the impact on traffic safety of
12 the use of electronic devices while driving.

13 “(3) MAINTENANCE OF EFFORT.—No grant
14 may be made to a State under this section in any
15 fiscal year unless the State enters into such agree-
16 ments with the Secretary as the Secretary may re-
17 quire to ensure that the State will maintain its ag-
18 gregate expenditures from all other sources for high-
19 way safety data programs at or above the average
20 level of such expenditures maintained by such State
21 in the 2 fiscal years preceding the date of enactment
22 of the SAFETEA-LU.

23 “(4) FEDERAL SHARE.—The Federal share of
24 the cost of adopting and implementing in a fiscal



1 year a State program described in subsection (a)
2 may not exceed 80 percent.

3 “(5) LIMITATION ON USE OF GRANT PRO-
4 CEEDS.—A State may use the proceeds of a grant
5 received under this section only to implement the
6 program described in subsection (a) for which the
7 grant is made.

8 “(f) APPLICABILITY OF CHAPTER 1.—Section 402(d)
9 of this title shall apply in the administration of this sec-
10 tion.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 4 of such title is amended by striking the item relating
13 to section 408 and inserting the following:

“408. State traffic safety information system improvements.”.

14 **SEC. 2007. ALCOHOL-IMPAIRED DRIVING COUNTER-**
15 **MEASURES.**

16 (a) MAINTENANCE OF EFFORT.—Section 410(a)(2)
17 of title 23, United States Code, is amended—

18 (1) by striking “under this section” and insert-
19 ing “under this subsection”; and

20 (2) by striking “Transportation Equity Act for
21 the 21st Century” and inserting “SAFETEA-LU”.

22 (b) REVISED GRANT AUTHORITY.—Section 410 of
23 such title is amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (3);



1 (B) by redesignating paragraph (4) as
2 paragraph (3); and

3 (C) in paragraph (3) (as so redesignated)
4 by striking the second comma following “sixth”;
5 (2) by redesignating subsections (e) and (f) as
6 subsections (h) and (i), respectively;

7 (3) by striking subsections (b) through (d) and
8 inserting the following:

9 “(b) ELIGIBILITY REQUIREMENTS.—To be eligible
10 for a grant under subsection (a), a State shall—

11 “(1) have an alcohol related fatality rate of 0.5
12 or less per 100,000,000 vehicle miles traveled as of
13 the date of the grant, as determined by the Sec-
14 retary using the most recent Fatality Analysis Re-
15 porting System of the National Highway Traffic
16 Safety Administration; or

17 “(2)(A) for fiscal year 2006 by carrying out 3
18 of the programs and activities under subsection (c);

19 “(B) for fiscal year 2007 by carrying out 4 of
20 the programs and activities under subsection (c); or

21 “(C) for fiscal years 2008 and 2009 by carrying
22 out 5 of the programs and activities under sub-
23 section (c).



1 “(c) STATE PROGRAMS AND ACTIVITIES.—The pro-
2 grams and activities referred to in subsection (b) are the
3 following:

4 “(1) CHECK POINT, SATURATION PATROL PRO-
5 GRAM.—A State program to conduct a series of high
6 visibility, Statewide law enforcement campaigns in
7 which law enforcement personnel monitor for im-
8 paired driving, either through the use of sobriety
9 check points or saturation patrols, on a nondiscrim-
10 inatory, lawful basis for the purpose of determining
11 whether the operators of the motor vehicles are driv-
12 ing while under the influence of alcohol—

13 “(A) if the State organizes the campaigns
14 in cooperation with related periodic national
15 campaigns organized by the National Highway
16 Traffic Safety Administration, except that this
17 subparagraph does not preclude a State from
18 initiating sustained high visibility, Statewide
19 law enforcement campaigns independently of
20 the cooperative efforts; and

21 “(B) if, for each fiscal year, the State
22 demonstrates to the Secretary that the State
23 and the political subdivisions of the State that
24 receive funds under this section have increased,
25 in the aggregate, the total number of impaired



1 driving law enforcement activities at high inci-
2 dent locations (or any other similar activity ap-
3 proved by the Secretary) initiated in such State
4 during the preceding fiscal year by a factor that
5 the Secretary determines meaningful for the
6 State over the number of such activities initi-
7 ated in such State during the preceding fiscal
8 year.

9 “(2) PROSECUTION AND ADJUDICATION OUT-
10 REACH PROGRAM.—A State prosecution and adju-
11 dication program under which—

12 “(A) the State works to reduce the use of
13 diversion programs by educating and informing
14 prosecutors and judges through various out-
15 reach methods about the benefits and merits of
16 prosecuting and adjudicating defendants who
17 repeatedly commit impaired driving offenses;

18 “(B) the courts in a majority of the judi-
19 cial jurisdictions of the State are monitored on
20 the courts’ adjudication of cases of impaired
21 driving offenses; or

22 “(C) annual statewide outreach is provided
23 for judges and prosecutors on innovative ap-
24 proaches to the prosecution and adjudication of
25 cases of impaired driving offenses that have the



1 potential for significantly improving the pros-
2 ecution and adjudication of such cases.

3 “(3) TESTING OF BAC.—An effective system for
4 increasing from the previous year the rate of blood
5 alcohol concentration testing of motor vehicle drivers
6 involved in fatal accidents.

7 “(4) HIGH RISK DRIVERS.—A law that estab-
8 lishes stronger sanctions or additional penalties for
9 individuals convicted of operating a motor vehicle
10 while under the influence of alcohol whose blood al-
11 cohol concentration is 0.15 percent or more than for
12 individuals convicted of the same offense but with a
13 lower blood alcohol concentration. For purposes of
14 this paragraph, ‘additional penalties’ includes—

15 “(A) a 1 year suspension of a driver’s li-
16 cense, but with the individual whose license is
17 suspended becoming eligible after 45 days of
18 such suspension to obtain a provisional driver’s
19 license that would permit the individual to
20 drive—

21 “(i) only to and from the individual’s
22 place of employment or school; and

23 “(ii) only in an automobile equipped
24 with a certified alcohol ignition interlock
25 device; and



1 “(B) a mandatory assessment by a cer-
2 tified substance abuse official of whether the in-
3 dividual has an alcohol abuse problem with pos-
4 sible referral to counseling if the official deter-
5 mines that such a referral is appropriate.

6 “(5) PROGRAMS FOR EFFECTIVE ALCOHOL RE-
7 HABILITATION AND DWI COURTS.—A program for
8 effective inpatient and outpatient alcohol rehabilita-
9 tion based on mandatory assessment and appro-
10 priate treatment for repeat offenders or a program
11 to refer impaired driving cases to courts that spe-
12 cialize in driving while impaired cases that empha-
13 size the close supervision of high-risk offenders.

14 “(6) UNDERAGE DRINKING PROGRAM.—An ef-
15 fective strategy, as determined by the Secretary, for
16 preventing operators of motor vehicles under age 21
17 from obtaining alcoholic beverages and for pre-
18 venting persons from making alcoholic beverages
19 available to individuals under age 21. Such a strat-
20 egy may include—

21 “(A) the issuance of tamper-resistant driv-
22 ers’ licenses to individuals under age 21 that
23 are easily distinguishable in appearance from
24 drivers’ licenses issued to individuals age 21 or
25 older; and



1 “(B) a program provided by a nonprofit
2 organization for training point of sale personnel
3 concerning, at a minimum—

4 “(i) the clinical effects of alcohol;

5 “(ii) methods of preventing second
6 party sales of alcohol;

7 “(iii) recognizing signs of intoxication;

8 “(iv) methods to prevent underage
9 drinking; and

10 “(v) Federal, State, and local laws
11 that are relevant to such personnel; and

12 “(C) having a law in effect that creates a
13 0.02 percent blood alcohol content limit for
14 drivers under 21 years old.

15 “(7) ADMINISTRATIVE LICENSE REVOCATION.—

16 An administrative driver’s license suspension or rev-
17 ocation system for individuals who operate motor ve-
18 hicles while under the influence of alcohol that re-
19 quires that—

20 “(A) in the case of an individual who, in
21 any 5-year period beginning after the date of
22 enactment of the Transportation Equity Act for
23 the 21st Century, is determined on the basis of
24 a chemical test to have been operating a motor
25 vehicle while under the influence of alcohol or



1 is determined to have refused to submit to such
2 a test as proposed by a law enforcement officer,
3 the State agency responsible for administering
4 drivers' licenses, upon receipt of the report of
5 the law enforcement officer—

6 “(i) suspend the driver's license of
7 such individual for a period of not less
8 than 90 days if such individual is a first
9 offender in such 5-year period; except that
10 under such suspension an individual may
11 operate a motor vehicle, after the 15-day
12 period beginning on the date of the suspen-
13 sion, to and from employment, school, or
14 an alcohol treatment program if an igni-
15 tion interlock device is installed on each of
16 the motor vehicles owned or operated, or
17 both, by the individual; and

18 “(ii) suspend the driver's license of
19 such individual for a period of not less
20 than 1 year, or revoke such license, if such
21 individual is a repeat offender in such 5-
22 year period; except that such individual to
23 operate a motor vehicle, after the 45-day
24 period beginning on the date of the suspen-
25 sion or revocation, to and from employ-



1 ment, school, or an alcohol treatment pro-
2 gram if an ignition interlock device is in-
3 stalled on each of the motor vehicles owned
4 or operated, or both, by the individual; and

5 “(B) the suspension and revocation re-
6 ferred to under clause (i) take effect not later
7 than 30 days after the date on which the indi-
8 vidual refused to submit to a chemical test or
9 received notice of having been determined to be
10 driving under the influence of alcohol, in ac-
11 cordance with the procedures of the State.

12 “(8) SELF SUSTAINING IMPAIRED DRIVING PRE-
13 VENTION PROGRAM.—A program under which a sig-
14 nificant portion of the fines or surcharges collected
15 from individuals who are fined for operating a motor
16 vehicle while under the influence of alcohol are re-
17 turned to communities for comprehensive programs
18 for the prevention of impaired driving.

19 “(d) USES OF GRANTS.—Subject to subsection
20 (g)(2), grants made under this section may be used for
21 all programs and activities described in subsection (c), and
22 to defray the following costs:

23 “(1) Labor costs, management costs, and equip-
24 ment procurement costs for the high visibility, State-



1 wide law enforcement campaigns under subsection
2 (c)(1).

3 “(2) The costs of the training of law enforce-
4 ment personnel and the procurement of technology
5 and equipment, including video equipment and pas-
6 sive alcohol sensors, to counter directly impaired op-
7 eration of motor vehicles.

8 “(3) The costs of public awareness, advertising,
9 and educational campaigns that publicize use of so-
10 briety check points or increased law enforcement ef-
11 forts to counter impaired operation of motor vehi-
12 cles.

13 “(4) The costs of public awareness, advertising,
14 and educational campaigns that target impaired op-
15 eration of motor vehicles by persons under 34 years
16 of age.

17 “(5) The costs of the development and imple-
18 mentation of a State impaired operator information
19 system.

20 “(6) The costs of operating programs that re-
21 sult in vehicle forfeiture or impoundment or license
22 plate impoundment.

23 “(e) ADDITIONAL AUTHORITIES FOR CERTAIN AU-
24 THORIZED USES.—



1 “(1) COMBINATION OF GRANT PROCEEDS.—
2 Grant funds used for a campaign under subsection
3 (d)(3) may be combined, or expended in coordina-
4 tion, with proceeds of grants under section 402.

5 “(2) COORDINATION OF USES.—Grant funds
6 used for a campaign under paragraph (3) or (4) of
7 subsection (d) may be expended—

8 “(A) in coordination with employers,
9 schools, entities in the hospitality industry, and
10 nonprofit traffic safety groups; and

11 “(B) in coordination with sporting events
12 and concerts and other entertainment events.

13 “(f) ALLOCATION.—Subject to subsection (g), funds
14 made available to carry out this section shall be allocated
15 among States that meet the eligibility criteria in sub-
16 section (b) on the basis of the apportionment formula
17 under section 402(c).

18 “(g) GRANTS TO HIGH FATALITY RATE STATES.—

19 “(1) IN GENERAL.—The Secretary shall make a
20 separate grant under this section to each state
21 that—

22 “(A) is among the 10 States with the high-
23 est impaired driving related fatalities as deter-
24 mined by the Secretary using the most recent
25 Fatality Analysis Reporting System of the Na-



1 tional Highway Traffic Safety Administration;
2 and

3 “(B) prepares a plan for grant expendi-
4 tures under this subsection that is approved by
5 the Administrator of the National Highway
6 Traffic Safety Administration.

7 “(2) REQUIRED USES.—At least one-half of the
8 amounts allocated to States under this subsection
9 may only be used for the program described in sub-
10 section (c)(1).

11 “(3) ALLOCATION.—Funds made available
12 under this subsection shall be allocated among
13 States described in paragraph (1) on the basis of the
14 apportionment formula under section 402(c), except
15 that no State shall be allocated more than 30 per-
16 cent of the funds made available to carry out this
17 subsection for a fiscal year.

18 “(4) FUNDING.—Not more than 15 percent per
19 fiscal year of amounts made available to carry out
20 this section for a fiscal year shall be made available
21 by the Secretary for making grants under this sub-
22 section.”; and

23 (4) by adding at the end of subsection (i) (as
24 redesignated by paragraph (2)) the following:



1 “(4) IMPAIRED OPERATOR.— The term ‘im-
2 paired operator’ means a person who, while oper-
3 ating a motor vehicle

4 “(A) has a blood alcohol content of 0.08
5 percent or higher; or

6 “(B) is under the influence of a controlled
7 substance.

8 “(5) IMPAIRED DRIVING RELATED FATALITY
9 RATE.—The term ‘impaired driving related fatality
10 rate’ means the rate of alcohol related fatalities, as
11 calculated in accordance with regulations which the
12 Administrator of the National Highway Traffic Safe-
13 ty Administration shall prescribe.”.

14 (c) NHTSA TO ISSUE REGULATIONS.—Not later
15 than 12 months after the date of enactment of this Act,
16 the National Highway Traffic Safety Administration shall
17 issue guidelines to the States specifying the types and for-
18 mats of data that States should collect relating to drivers
19 who are arrested or convicted for violation of laws prohib-
20 iting the impaired operation of motor vehicles.

21 **SEC. 2008. NHTSA ACCOUNTABILITY.**

22 (a) IN GENERAL.—Chapter 4 of title 23, United
23 States Code, is amended by adding at the end the fol-
24 lowing:



1 **“§ 412. Agency accountability**

2 “(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

3 At least once every 3 years the Secretary shall conduct
4 a review of each State highway safety program. The review
5 shall include a management evaluation of all grant pro-
6 grams funded under this chapter. The Secretary shall pro-
7 vide review-based recommendations on how each State
8 could improve the management and oversight of its grant
9 activities and may provide a management and oversight
10 plan for such grant programs.

11 “(b) RECOMMENDATIONS BEFORE SUBMISSION.—In

12 order to provide guidance to State highway safety agencies
13 on matters that should be addressed in the goals and ini-
14 tiatives of the State highway safety program before the
15 program is submitted for review, the Secretary shall pro-
16 vide data-based recommendations to each State at least
17 90 days before the date on which the program is to be
18 submitted for approval.

19 “(c) STATE PROGRAM REVIEW.—The Secretary
20 shall—

21 “(1) conduct a program improvement review of
22 a highway safety program under this chapter of a
23 State that does not make substantial progress over
24 a 3-year period in meeting its priority program
25 goals; and



1 “(2) provide technical assistance and safety
2 program requirements to be incorporated in the
3 State highway safety program for any goal not
4 achieved.

5 “(d) REGIONAL HARMONIZATION.—The Secretary
6 and the Inspector General of the Department of Transport-
7 ation shall undertake an administrative review of the
8 practices and procedures of the management reviews and
9 program reviews of State highway safety programs under
10 this chapter conducted by the regional offices of the Na-
11 tional Highway Traffic Safety Administration and prepare
12 a written report of best practices and procedures for use
13 by the regional offices in conducting such reviews. The re-
14 port shall be completed within 180 days after the date of
15 enactment of this section.

16 “(e) BEST PRACTICES GUIDELINES.—

17 “(1) UNIFORM GUIDELINES.—The Secretary
18 shall issue uniform management review guidelines
19 and program review guidelines based on the report
20 under subsection (d). Each regional office shall use
21 the guidelines in executing its State administrative
22 review duties under this section.

23 “(2) PUBLICATION.—The Secretary shall make
24 publicly available on the Web site (or successor elec-



1 tronic facility) of the Administration the following
2 documents upon their completion:

3 “(A) The Secretary’s management review
4 guidelines and program review guidelines.

5 “(B) All State highway safety programs
6 submitted under this chapter.

7 “(C) State annual accomplishment reports.

8 “(D) The Administration’s Summary Re-
9 port of findings from Management Reviews and
10 Improvement Plans.

11 “(3) REPORTS TO STATE HIGHWAY SAFETY
12 AGENCIES.—The Secretary may not make publicly
13 available a program, report, or review under para-
14 graph (2) that is directed to a State highway safety
15 agency until after the date on which the program,
16 report, or review is submitted to that agency under
17 this chapter.

18 “(f) GAO REVIEW.—

19 “(1) ANALYSIS.—The Comptroller General shall
20 analyze the effectiveness of the Administration’s
21 oversight of traffic safety grants under this chapter
22 by determining the usefulness of the Administra-
23 tion’s advice to the States regarding administration
24 and State activities under this chapter, the extent to
25 which the States incorporate the Administration’s



1 recommendations into their highway safety pro-
2 grams, and the improvements that result in a
3 State's highway safety program that may be attrib-
4 utable to the Administration's recommendations.

5 “(2) REPORT.—Not later than the September
6 30, 2008, the Comptroller General shall submit a re-
7 port on the results of the analysis to the Committee
8 on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate..”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 4 of such title is amended by adding at the end the
13 following:

“412. Agency accountability.”.

14 **SEC. 2009. HIGH VISIBILITY ENFORCEMENT PROGRAM.**

15 (a) IN GENERAL.—The Administrator of the Na-
16 tional Highway Traffic Safety Administration shall estab-
17 lish and administer a program under which at least 2
18 high-visibility traffic safety law enforcement campaigns
19 will be carried out for the purposes specified in subsection
20 (b) in each of years 2006 through 2009.

21 (b) PURPOSE.—The purpose of each law enforcement
22 campaign under this section shall be to achieve either or
23 both of the following objectives:

24 (1) Reduce alcohol-impaired or drug-impaired
25 operation of motor vehicles.



1 (2) Increase use of seat belts by occupants of
2 motor vehicles.

3 (c) ADVERTISING.—The Administrator may use, or
4 authorize the use of, funds available to carry out this sec-
5 tion to pay for the development, production, and use of
6 broadcast and print media advertising in carrying out traf-
7 fic safety law enforcement campaigns under this section.
8 Consideration shall be given to advertising directed at
9 non-English speaking populations, including those who lis-
10 ten, read, or watch nontraditional media.

11 (d) COORDINATION WITH STATES.—The Adminis-
12 trator shall coordinate with the States in carrying out the
13 traffic safety law enforcement campaigns under this sec-
14 tion, including advertising funded under subsection (c),
15 with a view to—

16 (1) relying on States to provide the law enforce-
17 ment resources for the campaigns out of funding
18 available under this section and sections 402, 405,
19 406, and 410 of title 23, United States Code; and

20 (2) providing out of National Highway Traffic
21 Safety Administration resources most of the means
22 necessary for national advertising and education ef-
23 forts associated with the law enforcement cam-
24 paigns.



1 (e) USE OF FUNDS.—Funds made available to carry
2 out this section may only be used for activities described
3 in subsections (a), (c), and (f).

4 (f) ANNUAL EVALUATION.—The Secretary shall con-
5 duct an annual evaluation of the effectiveness of cam-
6 paigns referred to in subsection (a).

7 (g) STATE DEFINED.—The term “State” has the
8 meaning such term has under section 401 of title 23,
9 United States Code.

10 **SEC. 2010. MOTORCYCLIST SAFETY.**

11 (a) AUTHORITY TO MAKE GRANTS.—Subject to the
12 requirements of this section, the Secretary shall make
13 grants to States that adopt and implement effective pro-
14 grams to reduce the number of single- and multi-vehicle
15 crashes involving motorcyclists.

16 (b) MAINTENANCE OF EFFORT.—No grant may be
17 made to a State under this section in a fiscal year unless
18 the State enters into such agreements with the Secretary
19 as the Secretary may require to ensure that the State will
20 maintain its aggregate expenditures from all the other
21 sources for motorcyclist safety training programs and mo-
22 torcyclist awareness programs at or above the average
23 level of such expenditures in its 2 fiscal years preceding
24 the date of enactment of this Act.



1 (c) ALLOCATION.—The amount of a grant made to
2 a State for a fiscal year under this section may not be
3 less than \$100,000 and may not exceed 25 percent of the
4 amount apportioned to the State for fiscal year 2003
5 under section 402 of title 23, United States Code.

6 (d) GRANT ELIGIBILITY.—

7 (1) IN GENERAL.—A State becomes eligible for
8 a grant under this section by adopting or dem-
9 onstrating to the satisfaction of the Secretary—

10 (A) for the first fiscal year for which the
11 State will receive a grant under this section, at
12 least 1 of the 6 criteria listed in paragraph (2);
13 and

14 (B) for the second, third, and fourth fiscal
15 years for which the State will receive a grant
16 under this section, at least 2 of the 6 criteria
17 listed in paragraph (2).

18 (2) CRITERIA.—The criteria for eligibility for a
19 grant under this section are the following:

20 (A) MOTORCYCLE RIDER TRAINING
21 COURSES.—An effective motorcycle rider train-
22 ing course that is offered throughout the State,
23 provides a formal program of instruction in ac-
24 cident avoidance and other safety-oriented oper-
25 ational skills to motorcyclists and that may in-



1 clude innovative training opportunities to meet
2 unique regional needs.

3 (B) MOTORCYCLISTS AWARENESS PRO-
4 GRAM.—An effective statewide program to en-
5 hance motorist awareness of the presence of
6 motorcyclists on or near roadways and safe
7 driving practices that avoid injuries to motorcy-
8 clists.

9 (C) REDUCTION OF FATALITIES AND
10 CRASHES INVOLVING MOTORCYCLES.—A reduc-
11 tion for the preceding calendar year in the
12 number of motorcycle fatalities and the rate of
13 motor vehicle crashes involving motorcycles in
14 the State (expressed as a function of 10,000
15 motorcycle registrations).

16 (D) IMPAIRED DRIVING PROGRAM.—Imple-
17 mentation of a statewide program to reduce im-
18 paired driving, including specific measures to
19 reduce impaired motorcycle operation.

20 (E) REDUCTION OF FATALITIES AND ACCI-
21 DENTS INVOLVING IMPAIRED MOTORCY-
22 CLISTS.—A reduction for the preceding cal-
23 endar year in the number of fatalities and the
24 rate of reported crashes involving alcohol- or
25 drug-impaired motorcycle operators (expressed



1 as a function of 10,000 motorcycle registra-
2 tions).

3 (F) FEES COLLECTED FROM MOTORCY-
4 CLISTS.—All fees collected by the State from
5 motorcyclists for the purposes of funding mo-
6 torcycle training and safety programs will be
7 used for motorcycle training and safety pro-
8 grams.

9 (e) ELIGIBLE USES.—

10 (1) IN GENERAL.—A State may use funds from
11 a grant under this section only for motorcyclist safe-
12 ty training and motorcyclist awareness programs,
13 including—

14 (A) improvements to motorcyclist safety
15 training curricula;

16 (B) improvements in program delivery of
17 motorcycle training to both urban and rural
18 areas, including—

19 (i) procurement or repair of practice
20 motorcycles;

21 (ii) instructional materials;

22 (iii) mobile training units; and

23 (iv) leasing or purchasing facilities for
24 closed-course motorcycle skill training;



1 (C) measures designed to increase the re-
2 cruitment or retention of motorcyclist safety
3 training instructors; and

4 (D) public awareness, public service an-
5 nouncements, and other outreach programs to
6 enhance driver awareness of motorcyclists, such
7 as the “share-the-road” safety messages devel-
8 oped under subsection (g).

9 (2) SUBALLOCATIONS OF FUNDS.—An agency
10 of a State that receives a grant under this section
11 may suballocate funds from the grant to a nonprofit
12 organization incorporated in that State to carry out
13 under this section.

14 (f) DEFINITIONS.—In this section, the following defi-
15 nitions apply:

16 (1) MOTORCYCLIST SAFETY TRAINING.—The
17 term “motorcyclist safety training” means a formal
18 program of instruction that—

19 (A) is approved for use in a State by the
20 designated State authority having jurisdiction
21 over motorcyclist safety issues, which may in-
22 clude the State motorcycle safety administrator
23 or a motorcycle advisory council appointed by
24 the Governor of the State.



1 (2) MOTORCYCLIST AWARENESS.—The term
2 “motorcyclist awareness” means individual or collec-
3 tive awareness of—

4 (A) the presence of motorcycles on or near
5 roadways; and

6 (B) safe driving practices that avoid injury
7 to motorcyclists.

8 (3) MOTORCYCLIST AWARENESS PROGRAM.—

9 The term “motorcyclist awareness program” means
10 an informational or public awareness program de-
11 signed to enhance motorcyclist awareness that is de-
12 veloped by or in coordination with the designated
13 State authority having jurisdiction over motorcyclist
14 safety issues, which may include the State motor-
15 cycle safety administrator or a motorcycle advisory
16 council appointed by the Governor of the State.

17 (4) STATE.—The term “State” has the same
18 meaning such term has in section 101(a) of title 23,
19 United States Code.

20 (g) SHARE-THE-ROAD MODEL LANGUAGE.—Not
21 later than 1 year after the date of enactment of this Act,
22 the Secretary, in consultation with the Administrator of
23 the National Highway Traffic Safety Administration, shall
24 develop and provide to the States model language for use
25 in traffic safety education courses, driver’s manuals, and



1 other driver's training materials instructing the drivers of
2 motor vehicles on the importance of sharing the roads
3 safely with motorcyclists.

4 **SEC. 2011. CHILD SAFETY AND CHILD BOOSTER SEAT IN-**
5 **CENTIVE GRANTS.**

6 (a) GENERAL AUTHORITY.—Subject to the require-
7 ments of this section, the Secretary shall make grants to
8 States that are enforcing a law requiring that any child
9 riding in a passenger motor vehicle in the State who is
10 too large to be secured in a child safety seat be secured
11 in a child restraint that meets the requirements prescribed
12 by the Secretary under section 3 of Anton's Law (49
13 U.S.C. 30127 note; 116 Stat. 2772).

14 (b) MAINTENANCE OF EFFORT.—No grant may be
15 made to a State under this section in a fiscal year unless
16 the State enters into such agreements with the Secretary
17 as the Secretary may require to ensure that the State will
18 maintain its aggregate expenditures from all other sources
19 for child safety seat and child restraint programs at or
20 above the average level of such expenditures in its 2 fiscal
21 years preceding the date of enactment of this Act.

22 (c) FEDERAL SHARE.—The Federal share of the
23 costs of activities funded using amounts from grants
24 under this section shall not exceed—



1 (1) for the first 3 fiscal years for which a State
2 receives a grant under this section, 75 percent; and

3 (2) for the fourth fiscal year for which a State
4 receives a grant under this section, 50 percent.

5 (d) USE OF GRANT AMOUNTS.—

6 (1) ALLOCATIONS.—Of the amounts received by
7 a State in grants under this section for a fiscal year
8 not more than 50 percent shall be used to fund pro-
9 grams for purchasing and distributing child safety
10 seats and child restraints to low-income families.

11 (2) REMAINING AMOUNTS.—Amounts received
12 by a State in grants under this section, other than
13 amounts subject to paragraph (1), shall be used to
14 carry out child safety seat and and child restraint
15 programs, including the following:

16 (A) A program to support enforcement of
17 child restraint laws.

18 (B) A program to train child passenger
19 safety professionals, police officers, fire and
20 emergency medical personnel, educators, and
21 parents concerning all aspects of the use of
22 child safety seats and and child restraints.

23 (C) A program to educate the public con-
24 cerning the proper use and installation of child
25 safety seats and and child restraints.



1 (e) GRANT AMOUNT.—The amount of a grant to a
2 State for a fiscal year under this section may not exceed
3 25 percent of the amount apportioned to the State for fis-
4 cal year 2003 under section 402 of title 23, United States
5 Code.

6 (f) APPLICABILITY OF CHAPTER 1.—The provisions
7 contained in section 402(d) of such title shall apply to this
8 section.

9 (g) REPORT.—A State that receives a grant under
10 this section shall transmit to the Secretary a report docu-
11 menting the manner in which the grant amounts were obli-
12 gated and expended and identifying the specific programs
13 carried out using the grant funds. The report shall be in
14 a form prescribed by the Secretary and may be combined
15 with other State grant reporting requirements under of
16 chapter 4 of title 23, United States Code.

17 (h) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) CHILD RESTRAINT.—The term “child re-
20 straint” means any product designed to provide re-
21 straint to a child (including booster seats and other
22 products used with a lap and shoulder belt assem-
23 bly) that meets applicable Federal motor vehicle
24 safety standards prescribed by the National High-
25 way Traffic Safety Administration.



1 (2) CHILD SAFETY SEAT.—The term “child
2 safety seat” has the meaning such term has in sec-
3 tion 405(f) of title 23, United States Code.

4 (3) PASSENGER MOTOR VEHICLE.—The term
5 “passenger motor vehicle” has the meaning such
6 term has in section 405(f) of such title.

7 (4) STATE.—The term “State” has the mean-
8 ing such term has in section 101(a) of such title.

9 **SEC. 2012. SAFETY DATA.**

10 (a) IN GENERAL.—Using funds made available to
11 carry out section 403 of title 23, United States Code, for
12 fiscal years 2005 through 2009, the Secretary shall collect
13 data and compile statistics on accidents involving motor
14 vehicles being backed up that result in fatalities and inju-
15 ries and that occur on public and nonpublic roads and res-
16 idential and commercial driveways and parking facilities.

17 (b) REPORT.—Not later than January 1, 2009, the
18 Secretary shall transmit to the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 and the Committee on Commerce, Science, and Transpor-
21 tation of the Senate a report on accidents described in
22 subsection (a), including the data collected and statistics
23 compiled under subsection (a) and any recommendations
24 regarding measures to be taken to reduce the number of
25 such accidents and the resulting fatalities and injuries.



1 **SEC. 2013. DRUG-IMPAIRED DRIVING ENFORCEMENT.**

2 (a) **ILLICIT DRUG.**—In this section, the term “illicit
3 drug” includes substances listed in schedules I through
4 V of section 112(e) of the Controlled Substances Act (21
5 U.S.C. 812) not obtained by a legal and valid prescription.

6 (b) **DUTIES.**—The Secretary shall—

7 (1) advise and coordinate with other Federal
8 agencies on how to address the problem of driving
9 under the influence of an illegal drug; and

10 (2) conduct research on the prevention, detec-
11 tion, and prosecution of driving under the influence
12 of an illegal drug.

13 (c) **REPORT.**—

14 (1) **IN GENERAL.**—Not later than 18 months
15 after the date of enactment of this Act, the Sec-
16 retary, in cooperation with the National Institutes of
17 Health, shall submit to Congress a report on the
18 problem of drug-impaired driving.

19 (2) **CONTENTS.**—The report shall include, at a
20 minimum, the following:

21 (A) An assessment of methodologies and
22 technologies for measuring driver impairment
23 resulting from use of the most common illicit
24 drugs (including the use of such drugs in com-
25 bination with alcohol).



1 (B) Effective and efficient methods for
2 training law enforcement personnel, including
3 drug recognition experts, to detect or measure
4 the level of impairment of a driver who is under
5 the influence of an illicit drug by the use of
6 technology or otherwise.

7 (C) A description of the role of drugs as
8 causal factor in traffic crashes and the extent
9 of the problem of drug-impaired driving.

10 (D) A description and assessment of cur-
11 rent State and Federal laws relating to drug-
12 impaired driving.

13 (E) Recommendations for addressing the
14 problem of drug-impaired driving, including rec-
15 ommendations on levels of impairment.

16 (F) Recommendations for developing a
17 model statute relating to drug-impaired driving.

18 (d) MODEL STATUTE.—

19 (1) IN GENERAL.—The Secretary shall develop
20 a model statute for States relating to drug-impaired
21 driving.

22 (2) CONTENTS.—Based on recommendations
23 and findings contained in the report submitted
24 under subsection (c), the model statute may include—



1 (A) threshold levels of impairment for il-
2 licit drugs;

3 (B) practicable methods for detecting the
4 presence of illicit drugs; and

5 (C) penalties for drug impaired driving.

6 (3) DATE.—The model statute shall be provided
7 to States not later than 1 year after date of submis-
8 sion of the report under subsection (c).

9 (e) RESEARCH AND DEVELOPMENT.—Section 403(b)
10 of title 23, United States Code, is amended by adding at
11 the end the following:

12 “(5) Technology to detect drug use and enable
13 States to efficiently process toxicology evidence.

14 “(6) Research on the effects of illicit drugs and
15 the compound effects of alcohol and illicit drugs on
16 impairment.”.

17 (f) FUNDING.—Out of amounts made available to
18 carry out section 403 of title 23, United States Code, for
19 each of fiscal years 2006 through 2009, the Secretary
20 shall make available \$1,200,000 for such fiscal year to
21 carry out this section.

22 **SEC. 2014. FIRST RESPONDER VEHICLE SAFETY PROGRAM.**

23 (a) IN GENERAL.—Not later than 1 year after the
24 date of enactment of this Act, the Secretary, in consulta-



1 tion with the Administrator of the National Highway
2 Traffic Safety Administration, should—

3 (1) develop and implement a comprehensive
4 program to promote compliance with State and local
5 laws intended to increase the safe and efficient oper-
6 ation of first responder vehicles;

7 (2) compile a list of best practices by State and
8 local governments to promote compliance with the
9 laws described in paragraph (1);

10 (3) analyze State and local laws intended to in-
11 crease the safe and efficient operation of first re-
12 sponder vehicles; and

13 (4) develop model legislation to increase the
14 safe and efficient operation of first responder vehi-
15 cles.

16 (b) PARTNERSHIPS.—The Secretary may enter into
17 partnerships with qualified organizations to carry out this
18 section.

19 (c) PUBLIC OUTREACH.—The Secretary shall use a
20 variety of public outreach strategies to carry out this sec-
21 tion, including public service announcements, publication
22 of informational materials, and posting information on the
23 Internet.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary such



1 sums as may be necessary to carry out this section for
2 fiscal year 2006.

3 **SEC. 2015. DRIVER PERFORMANCE STUDY.**

4 (a) IN GENERAL.—Using funds made available to
5 carry out section 403 of title 23, United States Code, for
6 fiscal year 2005, the Secretary shall make \$1,000,000
7 available to conduct a study on the risks associated with
8 glare to oncoming drivers, including increased risks to
9 drivers on 2-lane highways, increased risks to drivers over
10 the age of 50, and the overall effects of glare on driver
11 performance.

12 (b) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the Secretary shall transmit
14 to the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Senate a
17 report on the results of the study and any recommenda-
18 tions regarding measures to reduce the risks associated
19 with glare to oncoming drivers.

20 **SEC. 2016. RURAL STATE EMERGENCY MEDICAL SERVICES**
21 **OPTIMIZATION PILOT PROGRAM.**

22 (a) IN GENERAL.—From funds made available to
23 carry out section 403 of title 23, United States Code, for
24 fiscal year 2006, the Secretary shall make \$1,000,000



1 available to conduct a pilot program for optimizing emer-
2 gency medical services in a rural State.

3 (b) COLLECTING DATA.—The pilot program shall
4 focus on collecting geo-coded data for highway accidents
5 and resulting injuries, analyzing data to develop injury
6 patterns and distributions, and improving placement and
7 management of emergency medical services resources and
8 personnel.

9 (c) SELECTION.—The Secretary shall enter into an
10 agreement with the State of Alaska to conduct the pilot
11 program.

12 (d) REPORT.—Not later than 12 months after the
13 completion of the pilot program, the Secretary shall trans-
14 mit to the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 a report on the results of the pilot program and rec-
18 ommendations for application to other rural States.

19 **SEC. 2017. OLDER DRIVER SAFETY; LAW ENFORCEMENT**
20 **TRAINING.**

21 (a) IMPROVING OLDER DRIVER SAFETY.—

22 (1) IN GENERAL.—Of the funds made available
23 to carry out section 403 of title 23, United States
24 Code, the Secretary shall allocate \$1,700,000 for
25 each of fiscal years 2006 through 2009 to conduct



1 a comprehensive research and demonstration pro-
2 gram to improve traffic safety pertaining to older
3 drivers.

4 (2) ELEMENTS OF PROGRAM.—The program
5 shall—

6 (A) provide information and guidelines to
7 assist older drivers, physicians, and other re-
8 lated medical personnel, families, licensing
9 agencies, enforcement officers, and various pub-
10 lic and transit agencies in enhancing the safety
11 of older drivers;

12 (B) improve the scientific basis of medical
13 standards and screenings strategies used in the
14 licensing of all drivers in a non-discriminatory
15 manner;

16 (C) conduct field tests to assess the safety
17 benefits and mobility impacts of different driver
18 licensing strategies and driver assessment and
19 rehabilitation methods;

20 (D) assess the value and improve the safe-
21 ty potential of driver retraining courses of par-
22 ticular benefit to older drivers; and

23 (E) conduct other activities to accomplish
24 the objectives of this section.



1 (3) FORMULATION OF PLAN.—After consulta-
2 tion with affected parties, the Secretary shall formu-
3 late an older driver traffic safety plan to guide the
4 design and implementation of the program.

5 (4) SUBMISSION OF PLAN TO CONGRESS.—Not
6 later than 1 year after the date of enactment of this
7 Act, the Secretary shall submit the plan to the Com-
8 mittee on Transportation and Infrastructure House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate.

11 (b) LAW ENFORCEMENT TRAINING.—

12 (1) REQUIREMENT FOR PROGRAM.—The Sec-
13 retary shall carry out a program to provide guidance
14 and support to law enforcement agencies in police
15 chase techniques that are consistent with the police
16 chase guidelines issued by the International Associa-
17 tion of Chiefs of Police.

18 (2) AMOUNT FOR PROGRAM.—Of the funds
19 made available to carry out section 403 of title 23,
20 United States Code, the Secretary shall allocate
21 \$500,000 in each of fiscal years 2006 through 2009
22 to carry out this subsection.



1 **SEC. 2018. SAFE INTERSECTIONS.**

2 (a) IN GENERAL.—Chapter 2 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 39. Traffic signal preemption transmitters**

6 “(a) OFFENSES.—

7 “(1) SALE.—Whoever, in or affecting interstate
8 or foreign commerce, knowingly sells a traffic signal
9 preemption transmitter to a nonqualifying user shall
10 be fined under this title, or imprisoned not more
11 than 1 year, or both.

12 “(2) USE.—Whoever, in or affecting interstate
13 or foreign commerce, being a nonqualifying user
14 makes unauthorized use of a traffic signal preemp-
15 tion transmitter shall be fined under this title, or
16 imprisoned not more than 6 months, or both.

17 “(b) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) TRAFFIC SIGNAL PREEMPTION TRANS-
20 MITTER.—The term ‘traffic signal preemption trans-
21 mitter’ means any mechanism that can change or
22 alter a traffic signal’s phase time or sequence.

23 “(2) NONQUALIFYING USER.—The term ‘non-
24 qualifying user’ means a person who uses a traffic
25 signal preemption transmitter and is not acting on
26 behalf of a public agency or private corporation au-



1 thorized by law to provide fire protection, law en-
2 forcement, emergency medical services, transit serv-
3 ices, maintenance, or other services for a Federal,
4 State, or local government entity, but does not in-
5 clude a person using a traffic signal preemption
6 transmitter for classroom or instructional pur-
7 poses.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
9 chapter is amended by adding at the end the following:
 “39. Traffic signal preemption transmitters.”.

10 **SEC. 2019. NATIONAL HIGHWAY SAFETY ADVISORY COM-**
11 **MITTEE TECHNICAL CORRECTION.**

12 Section 404(d) of title 23, United States Code, is
13 amended by striking “Commerce” and inserting “Trans-
14 portation”.

15 **SEC. 2020. PRESIDENTIAL COMMISSION ON ALCOHOL-IM-**
16 **PAIRED DRIVING.**

17 (a) FINDINGS.—Congress finds that—

18 (1) there has been considerable progress over
19 the past 25 years in reducing the number and rate
20 of alcohol-related highway fatalities;

21 (2) the National Highway Traffic Safety Ad-
22 ministration projects that fatalities in alcohol-related
23 crashes declined in 2003 for the 2nd year in a row;



1 (3) in spite of this progress, an estimated
2 17,013 Americans died in 2003, in alcohol-related
3 crashes;

4 (4) these fatalities comprise 40 percent of the
5 annual total highway fatalities;

6 (5) about 250,000 are injured each year in al-
7 cohol-related crashes;

8 (6) the past 2 years of decreasing alcohol-re-
9 lated fatalities follows a 3-year increase;

10 (7) alcohol-impaired driving is the Nation's
11 most frequently committed violent crime;

12 (8) the annual cost of alcohol-related crashes is
13 over \$100,000,000,000, including \$9,000,000,000 in
14 costs to employers;

15 (9) a Presidential Commission on Alcohol Im-
16 paired Driving in 1982 and 1983 helped to lead to
17 substantial progress on this issue; and

18 (10) these facts point to the need to renew the
19 national commitment to preventing these deaths and
20 injuries.

21 (b) SENSE OF THE CONGRESS.—It is the sense of
22 Congress that, in an effort to further change the culture
23 of alcohol-impaired driving on our Nation's highways, the
24 President should consider establishing a Presidential Com-
25 mission on Alcohol-Impaired Driving—



1 (1) comprised of representatives of—

2 (A) State and local governments, including
3 State legislators;

4 (B) law enforcement;

5 (C) traffic safety experts, including re-
6 searchers;

7 (D) victims of alcohol-related crashes;

8 (E) affected industries, including the alco-
9 hol, insurance, motorcycle, and auto industries;

10 (F) the business community;

11 (G) labor;

12 (H) the medical community;

13 (I) public health; and

14 (J) Members of Congress; and

15 (2) that not later than September 30, 2006,
16 would—

17 (A) conduct a full examination of alcohol-
18 impaired driving issues; and

19 (B) make recommendations for a broad
20 range of policy and program changes that
21 would serve to further reduce the level of deaths
22 and injuries caused by alcohol impaired driving.



1 **SEC. 2021. SENSE OF THE CONGRESS IN SUPPORT OF IN-**
2 **CREASED PUBLIC AWARENESS OF BLOOD AL-**
3 **COHOL CONCENTRATION LEVELS AND DAN-**
4 **GERs OF ALCOHOL-IMPAIRED DRIVING.**

5 (a) FINDINGS.—Congress finds that—

6 (1) in 2003—

7 (A) 17,013 Americans died in alcohol-re-
8 lated traffic crashes;

9 (B) 40 percent of the persons killed in
10 traffic crashes died in alcohol-related crashes;
11 and

12 (C) drivers with blood alcohol concentra-
13 tion levels over 0.15 were involved in 58 percent
14 of alcohol-related traffic fatalities;

15 (2) research shows that 77 percent of Ameri-
16 cans think they have received enough information
17 about alcohol-impaired driving and the way in which
18 alcohol affects individual blood alcohol levels; and

19 (3) only 28 percent of the American public can
20 correctly identify the legal limit of blood alcohol con-
21 centration of the State in which they reside.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the National Highway Traffic Safety Adminis-
24 tration should work with State and local governments and
25 independent organizations to increase public awareness
26 of—



1 (1) State legal limits on blood alcohol con-
2 centration levels; and

3 (2) the dangers of alcohol-impaired driving.

4 **SEC. 2022. EFFECTIVE DATE.**

5 Sections 2002 through 2007 of this title (and the
6 amendments and repeals made by such sections) shall take
7 effect October 1, 2005.

